REMARKS

Claims 1-31, 37, and 39-43 have been cancelled. New claims 54-57 have been added. Claims 32-36, 38, 44-57 are pending.

The Examiner has rejected claims 32-36, 38, 44, and 45 under 35 U.S.C. §103(a) as being unpatentable over Buist (U.S. 6,408,282) in view of Ferstenberg et al (U.S. 5,873,071).

The rejection is respectfully traversed. The Examiner has acknowledged that "Buist does not disclose receiving an indication of an acceptable negotiation and sending a message requesting the final offer." However, the Examiner suggests that Ferstenberg discloses "receiving an indication of an acceptable negotiation associated with the second active negotiation, the indication of an acceptable negotiation indicating that the third party has one last chance to submit a final multiattribute offer."

Ferstenberg states:

> This invention is adaptable to other rules for intermediary offer generation that have **properties of** (i) **generating ultimately non-increasing offers** for a commodity while (ii) not being merely limited to the amounts in the e-agents' counter-offers. In particular, the variable demands determined by the intermediary can depend on several prior intermediary offers and several prior e-agent counter-offers. Further, the demands can be chosen to be greater than the least of a determined number of prior counter-offers but less than the maximum of another determined number of prior offers. (Ferstenberg, 23:14-23)

Ferstenberg also states:

> At step 14, the negotiation successfully terminates if all the e-agents signal that they are **satisfied with their last offers** from the intermediary. Preferably, they do this by **returning counter-offers that are equal to the previous offers**. Alternatively, the negotiation can be terminated after a **predetermined number of steps of negotiation,** whether or not all the e-agents signal satisfaction.... If the negotiation did not terminate at step 14, then at step 15, the intermediary

> generates new offers by a process similar to that for generating initial offers ... based on the immediately preceding counter-offer and the immediately preceding offer. (Ferstenberg, 19:32-54).

Ferstenberg discloses **generating ultimately non-increasing offers** for a commodity, such that a negotiation **terminates with a signal of satisfaction** by e-agents and does not teach or suggest an indication that "the third party has one last chance to submit a final multi-attribute offer" as recited in claim 32. Further, Ferstenberg discloses only that offers and counter-offers for a commodity are made, and is silent about and therefore, does not teach or suggest sending a "message to the third party requesting the final multi-attribute offer," as recited in claim 32.

As Ferstenberg and Buist do not teach, either singularly or in combination, that a "third party has one last chance to submit a final multi-attribute offer," claim 32 is believed to be allowable.

Claims 33-36, 38, and 44-45 depend from claim 32 and are believed to be allowable for the same reasons described above.

The Examiner has rejected claims 32-36, 38, and 44-53 under 35 U.S.C. §103(a) as being unpatentable over Bigus, et al. (U.S. Patent No. 6,085,178) in view of Ferstenberg.

The rejection is respectfully traversed. The Examiner has acknowledged that "Bigus does not disclose receiving an indication of an acceptable negotiation and sending a message requesting the final offer." However, the Examiner suggests that Ferstenberg discloses "receiving an indication of an acceptable negotiation associated with the second active negotiation, the indication of an acceptable negotiation indicating that the third party has one last chance to submit a final multiattribute offer."

Ferstenberg discloses **generating ultimately non-increasing offers** for a commodity, such that a negotiation **terminates with a signal of satisfaction** by e-agents and does not teach or suggest an indication that "the third party has one last chance to submit a final multi-attribute offer" as recited in claim 32. Further, Ferstenberg discloses only that offers and counter-offers for a commodity are made, and is silent about and therefore, does not teach or suggest sending a "message to the third party requesting the final multi-attribute offer," as recited in claim 32.

As Ferstenberg and Bigus do not teach, either singularly or in combination, that a "third party has one last chance to submit a final multi-attribute offer," claim 32 is believed to be allowable.

Claims 33-36, 38, and 44-45 depend from claim 32 and are believed to be allowable for the same reasons described above.

As with claim 32, claim 46 recites "receiving an indication of an acceptable negotiation associated with the second active negotiation, the indication of an acceptable negotiation indicating that the third party has one last chance to submit a final multi-attribute offer; and sending a message to the third party requesting the final multi-attribute offer" and is believed to be allowable for the reasons described above.

Claims 47-53 depend from claim 46 and are believed to be allowable for the same reasons described above.

The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

New claim 54 recites a system for carrying out the method of claim 46. Therefore, it is believed that claim 54 is also allowable.

New claims 55-57 depend from claim 54 and are believed to be allowable for the same reasons described above.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

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